

DOCKET FILE COPY ORIGINAL

RECEIVED

OCT 22 1991

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re application of:

Lauryn Broadcasting Corporation

FCC File No. BPH-910703MJ

For a New FM Construction  
Permit on Channel 265A  
at Beaumont, California

To: The Chief, Mass Media Bureau

PETITION TO DENY

Serna Broadcasting, Inc., an applicant for FM Channel 265A at Beaumont, California, by its attorneys, pursuant to Public Notice Report No. NA-151, released September 20, 1991, which specified October 22, 1991 as the final date for the filing of petitions to deny, hereby submits its petition to deny against the application of Lauryn Broadcasting Corporation as unacceptable for filing as it is impermissibly short-spaced to an application for a minor modification of KATY-FM, Idyllwild, California. In support thereof, the following is submitted:

1. Lauryn Broadcasting Corporation's application for FM Channel 265A at Beaumont, California is short-spaced to the pending application of KATY-FM, Idyllwild, California to make a change in its transmitter location (FCC File No. BMPH-910611IF). This short-spacing occurs under Section 73.207(b) of the Commission's Rules. See Exhibit No. 1 [channel study for application of Lauryn Broadcasting Corporation under the Commission's spacing table in

of the Commission's Rules may be utilized with respect to the existing transmitter location of KATY-FM, Channel 267A, at the transmitter location of 33° 46' 05" North Latitude, 116° 44' 01" West Longitude. See Beaumont, California, 6 FCC Rcd 2049 (1991) at note 2. Lauryn Broadcasting Corporation, however, cannot avail itself of Section 73.213(c)(1) of the Commission's Rules with regard to the newly specified transmitter location of KATY-FM. The Commission makes it clear in Amendment of Part 73 of the Rules, 6 FCC Rcd 3417, 3418 n. 7 (1991), that applicants must meet the new spacing requirements in Section 73.207(b) with regard to all pending applications that are fully-spaced under the new rules to the reference point for the new allotment. As shown in Exhibit No. 2, the allocation reference point for Channel 265A at Beaumont, California is fully-spaced to the KATY-FM application. Accordingly, Lauryn Broadcasting Corporation is required to fully protect the application of KATY-FM pursuant to the provisions of Section 73.207(b) with an application that is properly spaced to the transmitter site change application of KATY-FM.

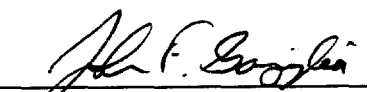
3. Accordingly, since the application of Lauryn Broadcasting Corporation is impermissibly short-spaced to the pending application of KATY-FM, Idyllwild, California, it cannot be granted as filed and it should be dismissed as unacceptable for filing.<sup>1/</sup>

---

<sup>1/</sup> It is recognized that the application of KATY-FM may be found to be mutually exclusive with the application of

WHEREFORE, for the reasons above, a denial of the application of Lauryn Broadcasting Corporation is respectfully requested.

Respectfully submitted,  
SERNA BROADCASTING, INC.

By:   
John F. Garziglia  
Its Attorney

Pepper & Corazzini  
1776 K Street, N.W.  
Suite 200  
Washington, D.C. 20006  
(202) 296-0600

October 22, 1991

---

1/(...continued)  
the application of Lauryn Broadcasting Corporation. To date, however, Lauryn Broadcasting Corporation has not submitted such an amendment even though it had every opportunity to do so during the time period on and prior to September 20, 1991 when amendments were acceptable as a matter of right.

PEPPER & CORAZZINI  
WASHINGTON D.C. 20006

Application of Lauryn Broadcasting Corporation

REFERENCE		CLASS A	DISPLAY DATES
33 54 29 N			DATA 09-25-91
116 59 45 W	Current rules spacings		SEARCH 10-21-91
----- CHANNEL 265 -100.9 MHz -----			

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AP265	265A	Beaumont	CA	0.0	0.00	115.0	-115.00 *
AP CN	33 54 29	116 59 45	1.050 kW	165M	0.0	71.5	
		Lauryn Broadcasting Corporati			BPH910703MJ		911022
AP265	265A	Beaumont	CA	0.0	0.00	115.0	-115.00 *
AP CN	33 54 29	116 59 45	0.630 kW	177M	0.0	71.5	
		Edward L. Masry			BPH910702MD		911022
AP265	265A	Beaumont	CA	0.0	0.00	115.0	-115.00 *
AP CN	33 54 29	116 59 45	0.700 kW	168M	0.0	71.5	
		Robert M. Richmond			BPH910703MD		911022
AP265	265A	Beaumont	CA	270.0	0.03	115.0	-114.97 *

PEPPER & CORAZZINI  
WASHINGTON D.C. 20006

## CLASS A

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
APG CN	34 13 38	118 04 00	58.000 kW	893M	65.3	70.2	
	Future Broadcasting, Inc.				BPH800924AA		840329
AP266	266B	Los Angeles	CA	289.7	105.00	113.0	-8.00 *
APD CN	34 13 38	118 04 00	58.000 kW	893M	65.3	70.2	
	Valley Radio 670 Limited Part				BPH830506AG		840329
>MX With Renewal of KRTH-ERP Exceeds Class B							
AP266	266B	Los Angeles	CA	289.7	105.00	113.0	-8.00 *
APD CN	34 13 38	118 04 00	58.000 kW	893M	65.3	70.2	
	Cozzin Communications, Corp,				BPH830512BC		840329
>MX With Renewal of KRTH-ERP EXCEEDS CLASS B							
KRTHFM	266B	Los Angeles	CA	289.7	105.00	113.0	-8.00 *
LI CN	34 13 38	118 04 00	51.000 kW	954M	65.3	70.2	
	Beasley FM Acquisition Corp.				BLH841030BY		
>EQUIVALENT TO GRANDFATHERED LICENSE							
AP266	266B	Los Angeles	CA	289.7	105.00	113.0	-8.00 *
APD CN	34 13 38	118 04 00	58.000 kW	893M	65.3	70.2	
	South Jersey Radio, Inc.				BPH830512BZ		840329
>MX With Renewal of KRTH-ERP Exceed Class B							
AP266	266B	Los Angeles	CA	289.8	105.10	113.0	-7.90 *
APD CN	34 13 45	118 04 01	50.000 kW	966M	65.3	70.2	
	Radio Radio, Inc.				BPH830512BE		840329
KATYFM	267A	Idyllwild	CA	122.6	28.81	31.0	-2.19 *
CPM CN	33 46 05	116 44 01	0.078 kW	480M	17.9	19.3	
	Kay Sadlier-Gill				BMPH901115ID		920829
KATYFM	267A	Idyllwild	CA	131.5	30.48	31.0	-0.52 *
AP CN	33 43 33	116 44 58	1.150 kW	225M	18.9	19.3	
	Kay Sadlier-Gill				BMPH910611IF		
>ERP/HAAT combination exceeds maximum value for International Agreem							
AP266	266B	Los Angeles	CA	284.4	114.42	113.0	1.42 <
AP CN	34 09 50	118 11 46	31.000 kW	205M	71.1	70.2	
	Marisol Broadcasting, Ltd.				BPH830512CZ		840329
>MX WITH THE RENEWAL OF KRTH							
KLRD	211A	Yucaipa	CA	15.5	15.02	10.0	5.02
LI CN	34 02 19	116 57 09	0.300 kW	312M	9.3	6.2	
	Shepherd Communications, Inc.				BLED860804KB		
KPSIFM	263B1	Palm Springs	CA	85.6	54.38	48.0	6.38

PEPPER & CORAZZINI  
WASHINGTON D.C. 20006

## CLASS A

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
CPM CN	33 56 44	116 24 34	25.000 kW	37M	33.8	29.8	
KPSI Radio Corporation					BMPH901002MB		910622
>From Channel 265A per D87-302							
KFMBFM	264B	San Diego	CA	191.2	120.99	113.0	7.99
LI CN	32 50 17	117 14 56	30.000 kW	189M	75.2	70.2	
Midwest Television, Inc.					BMLH830406AF		
KATJ	264A	George	CA	340.9	82.45	72.0	10.45
LI CN	34 36 38	117 17 18	0.085 kW	472M	51.2	44.8	
Crown Broadcasting Services,					BLH890713KA		
>Accepted by Mexico 910313							
KATJ.C	264A	George	CA	340.9	82.45	72.0	10.45
CP CN	34 36 38	117 17 18	0.260 kW	472M	51.2	44.8	
Crown Broadcasting Services,					BPH900710ID		
>Proposed to Mexico as Class B on 901003-Accepted by Mexico 910313-E							
>combination exceeds maximum value for International agreements							
KQLZ	262B	Los Angeles	CA	289.7	104.94	69.0	35.94
LI CN	34 13 37	118 03 58	5.300 kW	916M	65.2	42.9	
Westwood One Stations-LA, Inc					BLH850528KC		
>GRANDFATHERED AT 5.3KW @ 916M HAAT							
>Proposed to Mexico as C 910610							
KSSB.C	265A	Calipatria	CA	122.4	163.15	115.0	48.15
CP CN	33 07 12	115 30 47	3.000 kW	45M	101.4	71.5	
Salton Sea Communications					BPH900830JR		

PEPPER & CORAZZINI  
WASHINGTON D.C. 20006

Beaumont Allocation Reference Point

REFERENCE		CLASS A	DISPLAY DATES
33 56 06 N			DATA 09-25-91
116 58 24 W		Current rules spacings	SEARCH 10-21-91
----- CHANNEL 265 -100.9 MHz -----			

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
ALOPEN	265A	Beaumont	CA	0.0	0.00	115.0	-115.00 *
AL N	33 56 06	116 58 24	0.000 kW	0M	0.0	71.5	
	90-21	WO= 910603					910703
>Proposed to Mexico as B 900208-Accepted by Mexico 910326							
>Effective 05-31-91							
AP265	265A	Beaumont	CA	6.3	3.53	115.0	-111.47 *
AP CN	33 58 00	116 58 09	3.000 kW	-8M	2.2	71.5	
	Serna Broadcasting, Inc.				BPH910705MJ		911022
AP265	265A	Beaumont	CA	215.1	3.62	115.0	-111.38 *
AP CN	33 54 30	116 59 45	0.830 kW	174M	2.3	71.5	
	Chasid Company				BPH910702MC		911022
AP265	265A	Beaumont	CA	214.8	3.64	115.0	-111.36 *
AP CN	33 54 29	116 59 45	0.630 kW	177M	2.3	71.5	
	Edward L. Masry				BPH910702MD		911022
AP265	265A	Beaumont	CA	214.8	3.64	115.0	-111.36 *
AP CN	33 54 29	116 59 45	1.050 kW	165M	2.3	71.5	
	Lauryn Broadcasting Corporati				BPH910703MJ		911022
AP265	265A	Beaumont	CA	214.8	3.64	115.0	-111.36 *
AP CN	33 54 29	116 59 45	0.700 kW	168M	2.3	71.5	
	Robert M. Richmond				BPH910703MD		911022

PEPPER & CORAZZINI  
WASHINGTON D.C. 20006

## CLASS A

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
APG CN	34 13 38	118 04 00	58.000 kW	893M	65.9	70.2	
		Future Broadcasting, Inc.			BPH800924AA		840329
AP266	266B	Los Angeles	CA	287.8	105.99	113.0	-7.01 *
APD CN	34 13 38	118 04 00	58.000 kW	893M	65.9	70.2	
		Valley Radio 670 Limited Part			BPH830506AG		840329
>MX With Renewal of KRTH-ERP Exceeds Class B							
AP266	266B	Los Angeles	CA	287.8	105.99	113.0	-7.01 *



PEPPER & CORAZZINI  
WASHINGTON D.C. 20006

## CLASS A

CALL TYPE	CH# LAT	CITY LONG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
--------------	------------	--------------	--------------	-------------	--------------	--------------	----------------

CERTIFICATE OF SERVICE

I, Tracey Westbrook, a secretary in the law firm of Pepper  
& Corazzini, do hereby certify that true copies of the forego-  
ing "Petition to Deny" were sent this 22nd day of October

Gary S. Smithwick, Esquire  
Smithwick & Belendiuk, P.C.  
2033 M Street, N.W.  
Suite 207  
Washington, D.C. 20036  
Counsel for Lauryn Broadcasting Corporation

  
Tracey S. Westbrook

\* BY HAND